

NICATIONS COMMISSION

Washington, DC, 20554

MB Docket No. 05-210

RM - 10960

In the Matter of:  
Revision of Procedures Governing  
Amendments To FM Table of  
Allotments and Changes  
Of Community of License in the Radio  
Broadcast Services

To: The Commission

PETITION  
MOTION TO DISMISS ENTIRE PROCEEDING

Ms. Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
12th Street Lobby - TW - A325  
Washington, D.C. 20554

Monday, November 21, 2005 10:15:29 AM

My name is Joseph D'Alessandro (WREBG-LP), and I strongly do not support any actions the Federal Communications Commission takes to expand and support The NAB & Ed Fritz and all of the Radio stations under the Jurisdiction of the NAB and Their Attorneys, and demand a MOTION TO DISMISS their frivolous, void and moot replies comments.

## §Section 307. Licenses.

Is Un-Constitutional in regards to LPFM (SUBSTANTIVE DUE PROCESS OF LAW & RIGHTS supersedes) (to displace in favor of another) TITLE 47 CHAPTER 5 SUBCHAPTER III Part I §Section 307  
Licenses.

Under Law SUBSTANTIVE DUE PROCESS OF LAW & RIGHTS WRBG HAS PRIMARY STATUS

### (b) Allocation of facilities

In considering applications for licenses, and modifications and renewals thereof, when and insofar as there is demand for the same, the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same.

National Association of Broadcasters attorney's I advise you to get your facts correct and the LAW of the land correct. First, Fifth, Ninth, and Fourteenth Amendments. The public interest mandates of Section 307(b) is

superior to all others in regards to Low Power FM Radio, ( (b) Allocation of facilities) it is a destructive

and/or killing stroke and/or event let by Ed Fritz and The NAB with their stranglehold an illegal, force or

influence that suppresses freedom of First Amendment Rights of a unified body of individuals, (A COMMUNITY INTEREST), the people with common interests (LPFM Radio) living in a particular community, and/or an interacting population of various kinds of individuals (as species) in a COMMUNITY.

The NAB is an oligarchy in which a group (NAB) exercises control especially for corrupt and selfish purposes;

(MONEY NO COMMUNITY INTEREST). Furthermore look at Great Scott & CRX trying to subdue WRBG-LP & WEES-LP & WYOU-LP, Williamsburg, VA. because of their GREED and Hunger For Power

and MONEY look at their nonsensical and illegal conduct, that is absurd or contrary to good sense and/or an instance of absurd action

Point of Authority:

Why did The FCC establish in a position and/or office of Localism Task Force, because The NAB was

and is

mistreating and/or exploiting the community interest. LPFM fills this VOID.

The Federal Communications Commission

LPFM IS PROTECTED BY, The United States Constitution, First, Ninth, and Fourteenth Amendments.

So as to make available, to all the people of the United States, (LPFM- Radio) without discrimination on the

basis of race, color, religion, national origin, disability or sex, for the purpose of promoting safety of life and property through the use of wire and LPFM radio communications, to the COMMONWEALTH they serve.

Note I will fight you in Federal District Court The Third Circuit. And a Jury Trial not by a Judge Let The Citizens Decide.

Stare Decisis

1. The precedent decisions are to be followed by the courts.

2. If a court converts a rule 12(b) dismissal into a summary judgment motion, then it must give the parties notice

and an opportunity to be heard. Rule 12 (b) Jacobson v. A.E. Capital Corp. 50 F.3d 1493, 1496 (9th Cir. 1995).

Procedure Trest v. Cain 96-7901, cert grant May 27, 1997.

If a judge does not fully comply with the Constitution, then his orders are void, In re Sawyer, 124 U.S. 200 (1888), he/she is without jurisdiction, and he/she has engaged in an act or acts of treason.

When a judge acts as a trespasser of the law, when a judge does not follow the law, the judge loses subject- matter jurisdiction and the judges orders are void, of no legal force or effect. Act of Treason.

SUBSTANTIVE DUE PROCESS OF LAW

You have no rights to take my freedom away.

This is what it conveys. The Law Of The Land Federal & State.

The "why" is substantive due process. Even if an unreasonable law and/or regulations (CFR) are and/or is passed and signed into law legally (procedural due process), substantive due process makes the law unconstitutional.

Fed.R.Civ.P. 8(f) reads: "All pleadings shall be so construed as to do substantial justice."

Not a 12 (b) 6 dismissal (SEVENTH AMENDMENT RIGHTS DEMAND A JURY TRIAL)

DISCERN:

Under RICO ACT this is criminal extortion and collusion to steal frequencies and steal 107.9 FM

An agreement between two or more persons, to defraud a person of his rights by the forms of law, and

to deprive Joseph D'Alessandro his money, property and/or Substantive legal rights.

If this goes on LPFM is Void and Moot. No LPFM is safe.

These Conglomerates attempt to manipulate the Law Cox Radio and Great Scott own

75% if not more, of all stations in this area

MB Docket	RM Number	Call	Community of License	Channel/Class	Action	Latitude	Longitude
-----------	-----------	------	----------------------	---------------	--------	----------	-----------

04-409	11108a	WHKI	WILLARDS MD	299B1	ADD	38.262	75.254
--------	--------	------	-------------	-------	-----	--------	--------

Petitioner CXR HOLDINGS, INC

Other proposed changes related to this docket:

MB Docket	RM Number	Call	Community of License	Channel/Class	Action	Latitude	Longitude
-----------	-----------	------	----------------------	---------------	--------	----------	-----------

Proposed By: DANA J. PUOPOLO

04-409	11108	PORT NORRIS NJ	299A	ADD	39.246	75.034
--------	-------	----------------	------	-----	--------	--------

Proposed By: DANA J. PUOPOLO

04-409	11108a	WOLC	FRUITLAND MD	273B	ADD	38.324	75.619
--------	--------	------	--------------	------	-----	--------	--------

04-409	11108a	WOLC	PRINCESS ANNE MD	273B	DEL	38.324	75.619
--------	--------	------	------------------	------	-----	--------	--------

04-409	11108a	WOLC	FRUITLAND MD	273B	ADD	38.112	75.654
--------	--------	------	--------------	------	-----	--------	--------

04-409	11108a	WNNT	WARSAW VA	298A	ADD	37.944	76.751
--------	--------	------	-----------	------	-----	--------	--------

04-409	11108a	WDYL	LAKESIDE VA	265B1	ADD	37.602	77.369
--------	--------	------	-------------	-------	-----	--------	--------

City Grade Contour (70 dBu [F50,50])

Subject: Willards has a population of 750 people do you think COX is putting 107.5 ala channell

change (107.7 FM) there for the Community or Money, this is illegal.

Willards Maryland has a population of 750 people do you think COX and Great Scott are moving 107.5 change

to (107.7) for the Community or MONEY or a monopoly & oligopoly & cartel.

There are proposed changes sitting in front of the FCC that if approved would move Great Scott's WKHI from

107.5 on the dial to 107.7. It also would change the city of license for Maranatha's 102.5 WOLC. CXR Holdings,

Inc., licensee of WDYL-FM in Chester, VA would like to change the frequency (or in technical terms- its channel)

and city of license for WDYL. However there are some changes that need to be made in order for this to be

accomplished. CXR's consulting engineer found that if WKHI moved from the 107.5 frequency and Fruitland as its

city of license to 107.7 and Willards as its city of license they could get station WNNT in Warsaw, VA to move to a

different frequency or channel. This would then in turn allow WDYL to upgrade. None of this would have even been

proposed if it were not for Radio One's WNSJ-FM which moved its tower from Bridgeton, NJ to get closer to

Philadelphia and changed its frequency from 107.7 to 107.9. The change of the frequencies also resulted in them

downgrading from a Class A signal to a Class B signal)...Anyway Great Scott does not have much say in the matter

as the FCC does have the right to force a station to move its frequency, however the station proposing the change

has to pay for the related expenses. According to CXR's petition however, GSB has already agreed to move if the

FCC approves the changes. This could turn out to be real good for GSB as I believe they currently

rent tower

space for 107.5, the move would allow them to possibly get on OC-104's tower. Willards is also within 25 miles of

Georgetown where the GSB cluster is housed. I am not sure if they do now, but GSB is technically supposed to

have a "Main Studio" for WKHI within 25 miles of their city of license. The change to Willards would allow the

main building in Georgetown to act as the "main studio" although it already does. This would also give WKHI

better coverage over Sussex County which has more year round people, about 160,000 while Wicomico County has

70,000 and Somerset has 16,000. More people equals more ratings and ad revenue which they could use as WKHI

has suffered in the ratings. WKHI would also put a much better signal over Wicomico and Worcester County who

are still very important to the ratings. WKHI's signal would be limited however west of Salisbury where currently

you can pick up 107.5 as far west as Easton and sometimes Queenstown. This would also allow Great Scott, if they

so chose, to use their 103.5 signal as a simulcast for their Classic Rocker sister station 98-5 BIG which is tough to

pick up at the beaches. 103.5 WJNE has a beach signal since its tower is in Bethany Beach. At one time BIG was

simulcasted on 101-7, which puts also puts a strong signal over the beaches...There is also an FCC rule that does

not allow a city whose has been licensed a station to lose its station. To remedy this WOLC has

agreed with CXR

to change its city of license from Princess Anne to Fruitland. WESM is already the primary station licensed to

Princess Anne anyway so there would not be a problem. This also may help WOLC who is looking to

add another signal at 88.3 on the FM dial and would apply to have Princess Anne be its

city of license...This all could have a negative impact on the LP-FM stations in Ocean City

(107.9 WEES) and Millsboro (107.9 WRBG)

which could be forced off the air...One of the hold ups with the proposed changes is from an individual or company

who has filed an application for a station in nearby Port Morris, NJ on the 107.7 frequency.

Thank You,  
sincerely

Joseph D'Alessandro  
23136 Prince George Drive  
Lewes delaware 19958-9342